

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

IOWA PRIMATE LEARNING
SANCTUARY d/b/a GREAT APE
TRUST,

Plaintiff,

v.

ZOOLOGICAL FOUNDATION OF
GEORGIA, INC. d/b/a ZOO ATLANTA,
DEMOCRATIC REPUBLIC OF CONGO,
JAPAN MONKEY CENTRE INSTITUTE
AND MUSEUM OF PRIMATOLOGY,
and SUE SAVAGE-RUMBAUGH, Ph. D.,

Defendants.

Case No. 4:10-cv-00052

COMBINED MOTION TO
STRIKE AND TO SET
SCHEDULING CONFERENCE

COMES NOW the Interpleader Plaintiff, Iowa Primate Learning Sanctuary d/b/a Great Ape Trust of Iowa (“Trust”), and for its Combined Motion to Strike and for Scheduling Conference, respectfully states as follows:

MOTION TO STRIKE

1. On December 6, 2011, Attorney William Zifchak, on behalf of Defendant Sue Savage Rumbaugh, filed a letter (“Letter”) with the Court that, among other things: requests a status conference; makes assertions, many of them incorrect and inflammatory, concerning the Trust and the apes who reside there; and contains threats of future action if certain demands made in the Letter are not met.

2. The Letter fails to conform with Rules 7 and 10 of the Federal Rules of Civil Procedure and Local Rule 7, and is an improper form to request relief from this Court.

3. Neither Mr. Zifchak, nor local counsel for Dr. Savage-Rumbaugh, Todd Langel, contacted the undersigned counsel for the Trust prior to filing the letter, to determine whether the Trust opposes their request for a status conference or regarding their current alleged concerns about possible relocation of apes and ape welfare, as is required by Local Rule 7. Had they done so, they would have been advised:

- a. The Trust has no objection to a status conference;
- b. The newly appointed Board and Interim Director of the Trust are working to transition the Trust to new leadership, a revised organizational structure, and a new budget. The Trust's most important priorities are the welfare of the apes and the perpetuation of language research with the bonobo colony that resides at the Trust.
- c. The Trust does not intend to relocate any of the apes. In the unanticipated event that funding issues dictate consideration of relocation, such an effort would not be undertaken surreptitiously, as suggested in the Letter, but with appropriate notice to all regulatory authorities and to this Court and the parties to this action, if and to the extent that they may then have an interest in Matata and Maisha.
- d. Matata and Maisha, as well as the other apes who reside at the Trust, are well cared for. The Trust passed an inspection conducted by the Institutional Animal Care and Use Committee (IACUC), an independent body charged with regulation of ape welfare, on December 2, 2011.

4. Much of what is alleged and threatened in the Letter is not only without basis, it is outside the scope of this action, the purpose of which is to determine the ownership of Matata and Maisha. The apparent purpose of the Letter's inclusion of untrue, irrelevant, and inflammatory allegations, is to generate unfounded bias and prejudice against the Trust.

5. Since the Letter is an improper form at requesting relief from this Court and contains allegations and threatened requests for relief that are irrelevant to, and beyond the scope of, this action, it should be stricken.

By /s/
B. MacPaul Stanfield AT0007422
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ATTORNEYS FOR PLAINTIFFS, GREAT APE
TRUST

Electronically filed.

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DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause or to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on December 7, 2011.

By: ☐ U. S. Mail ☐ FAX
☐ Hand Delivered ☐ Overnight Courier
☐ Certified Mail ☒ Other: CM/ECF
International Mail

Signature: /s/ Julie R. McCain